

REMARKS

This paper and the accompanying Request for Continued Examination (RCE) are being submitted in response to the Final Office Action dated July 26, 2007 (the "Office Action").

Claims 1-32 were previously pending in the application.

Claim 22-30 and 32 have been canceled in this paper. Claims 1, 11, 12, 15, and 21 have been amended in this paper.

Accordingly, claims 1-21 and 31 are now pending.

Claims 1-10, 12-14, 16-21, and 31 stand rejected. Claims 11 and 15 are under objection.

Formal Matters

Applicant expresses gratitude to the Examiner for the discussion between the Examiner and Applicant's undersigned representative on October 1, 2007. In that discussion, the Examiner clarified that the Office Action Summary in the Office Action includes a clerical error where it indicates that claim 32 stood rejected. The Examiner clarified that the correct status of claim 32 was indicated on p. 3 of the Office Action, which states that claim 32 is objected to as being dependent upon a rejected base claim, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Election by Original Presentation

Applicant acknowledges that the Examiner has applied a restriction requirement that leads to claims 22-30 being withdrawn. Applicant has canceled claims 22-30 in this paper.

Claim Objections

Dependent claims 11 and 15 are under objection as being dependent upon rejected base claims, but are deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claims 11 and 15 to be in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant respectfully request that the objections to claims 11 and 15 be withdrawn.

Rejections under 35 U.S.C. § 102(b) and § 103(a)

Claims 1-10, 12-14 and 16-21 stand rejected under § 102(b) as being anticipated by F. S. Hillier and G. J. Lieberman, *Introduction to Operations Research*, 6th ed., McGraw-Hill, Inc., 1995 (“*Hillier*”). Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Hillier*. Applicant respectfully submits that the claims are allowable under § 102(b) and § 103(a) in view of the above amendments and the following remarks.

In the Office Action, claim 32 (now canceled) was under rejection as being dependent upon a rejected base claim, but was deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended independent claim 1 to include the limitations of former claim 32, with stylistic revisions. Applicant has similarly amended independent claims 12 and 21. In view of the Examiner’s comments on the allowability of former claim 32, Applicant submits that independent claims 1, 12, and 21 and all claims dependent therefrom are now in a condition for allowance.

CONCLUSION

Applicant submits that all claims are now in condition for allowance, and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on October 26, 2007.



Attorney for Applicant

2007 Oct 26

Date of Signature

Respectfully submitted,



Cyrus F. Bharucha
Attorney for Applicant
Reg. No. 42,324
Telephone: (512) 439-5097
Facsimile: (512) 439-5099